



COUNTY OF LOS ANGELES  
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County Counsel

July 19, 2011

TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: ROGER H. GRANBO *RHG*  
Assistant County Counsel  
Law Enforcement Services Division

RE: **Erick Hoxey and Shatwan Smith v. County of Los Angeles**  
**United States District Court Case No. CV091372**

Attached is the Agenda entry for the Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation in the above-referenced matter. Also attached are the Case Summary, and the Summary Corrective Action Plan.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda of August 2, 2011.

RHG:scr

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Contract Cities Liability Trust Fund Claims Board's recommendation: Authorize settlement of the matter entitled Erick Hoxey and Shatwan Smith v. County of Los Angeles, et al., United States District Court Case No. CV091372 in the amount of \$650,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department Contract Cities Trust Fund's budget.

This lawsuit concerns allegations of civil rights violation by Sheriff's Deputies.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Erick Hoxey and Shatwan Smith vs. County of Los Angeles
CASE NUMBER	CV09-1372
COURT	United States District Court
DATE FILED	April 12, 2008
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 650,000
ATTORNEY FOR PLAINTIFF	Glen Jonas, Esq. Jonas and Driscoll
COUNTY COUNSEL ATTORNEY	Howard Slavin, Esq. Lewis, Brisbois, Bisgaard & Smith  Laura Inlow, Esq. Collinson Law
NATURE OF CASE	Plaintiffs Erick Hoxey and Shatwan Smith allege they were falsely arrested and subjected to excessive force by Los Angeles County Sheriff's Deputies.  The Sheriff's Department contends that the arrests were based on probable cause and that force was reasonable.  Due to the risks and uncertainties of litigation, a full and final settlement of the case in the amount of \$650,000 is recommended.

PAID ATTORNEY FEES, TO DATE                   \$    85,033

PAID COSTS, TO DATE                           \$    46,624

Case Name: Hoxey, et al. v. County of Los Angeles, et al.



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Saturday, April 12, 2008; approximately 2:00 p.m.
Briefly provide a description of the incident/event:	<p><u>Hoxey, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2011-014</p> <p>On Saturday, April 12, 2008, at approximately 2:00 p.m., two Los Angeles County deputy sheriffs observed the plaintiff driving a vehicle south on Essey Avenue, south of Alondra Boulevard, Compton. The plaintiff was in violation of California Vehicle Code section 27315(d), Mandatory Seat Belt Law.</p> <p>The deputy sheriffs initiated an enforcement stop. During the course of the stop, the plaintiff became argumentative and physically assaulted one of the deputies. Several deputies were needed to overcome the resistance offered by the plaintiff. The plaintiff was ultimately subdued and taken into custody.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The plaintiff alleged the incident was a violation of his civil rights, the result of an unreasonable seizure, false arrest, conspiracy, and false imprisonment.

2. Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedure/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

No employee misconduct is suspected or alleged.

On November 20, 2008, the Los Angeles County Sheriff's Department's Executive Force Review Committee convened and conducted a thorough review of this incident. The members of the committee concluded that the physical force used by the deputies was reasonable, necessary, and in compliance with Department policy.

County of Los Angeles  
Summary Corrective Action Plan

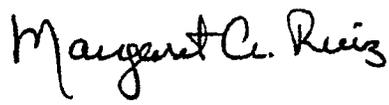
The members of the committee also concluded that the tactics employed by all personnel in this incident were within Department policy. Nonetheless, the committee directed that the personnel involved in this incident attend a four-hour tactics and survival course.

3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance).

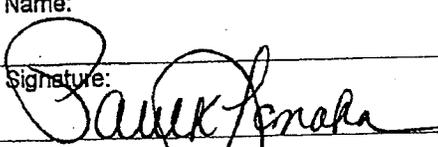
- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 5/31/11

Name: (Department Head) Margaret A. Ruiz, Acting Chief Leadership and Training Division	
Signature: 	Date: 06-15-11

Chief Executive Office Risk Management Branch

Name:	
Signature: 	Date: 6-17-11

LEO COSTANTINO RISK MGT INSPECTOR GENERAL, CEO  
 6/30/2011